

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO.: CR05-231-JCC
Plaintiff,)
v.)
BERNARD RUSSELL ORTMAN) DETENTION ORDER
Defendant.)

Offense charged:

Violent Crime in Aid of Racketeering (Kidnaping); Conspiracy to Tamper with Witness

Date of Detention Hearing: June 30, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is named in two counts of a twenty count indictment that has been brought against certain individuals, some of whom are alleged to be leaders and/or members of the Bandidos Outlaw Motorcycle Organization.

(2) The Indictment alleges that the Bandidos Outlaw Motorcycle Organization is a

01 criminal organization whose members and associates engaged in acts of violence, including
02 kidnaping, assault, threats of violence, and extortion in the United States and throughout the
03 world. The Bandidos is alleged to constitute a criminal enterprise as defined in Title 18, USC,
04 Section 1959(b)(2), that is, an enterprise constituting an ongoing organization whose members
05 function as a continuing unit for common purpose of achieving racketeering activity. Mr. Ortman
06 is said to be the President of the Missoula, Montana chapter of the organization, although the
07 defendant contends that he no longer holds that position. The Indictment alleges that as such, the
08 defendant reports directly to the national and international president, occupies a position of
09 significant authority and control over members of the Missoula Chapter and a related support club,
10 and is responsible for enforcing club policy that no other competing outlaw motorcycle club
11 establishes a presence or a chapter in Montana.

12 (3) Mr. Ortman is alleged to have orchestrated the kidnaping of the victim of the
13 offense which is the subject of the first count of the indictment, ordering two persons to take the
14 individual at gunpoint. The AUSA proffers allegations that the defendant has threatened physical
15 assaults against others since the Indictment was filed.

16 (4) The AUSA proffers that a quantity of methamphetamine was found in the
17 defendant's jacket in his home. The defendant denies drug use and denies that the drugs were his.
18 The AUSA proffers allegations that he is a heavy methamphetamine user. Four handguns were
19 found in the defendant's possession at the time of arrest, two of which were loaded. The
20 defendant states the firearms are owned legally by him.

21 (5) The defendant poses a risk of nonappearance due to alleged drug use. He poses
22 a risk of danger due to the nature of the pending charges, possession of firearms, and alleged drug
23 use.

24 It is therefore ORDERED:

25 (1) Defendant shall be detained pending trial and committed to the custody of the
26 Attorney General for confinement in a correction facility separate, to the extent

practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 30th day of June, 2005.

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Mary Alice Theiler
United States Magistrate Judge